



National Clearinghouse on Child Abuse and Neglect Information National Adoption Information Clearinghouse



Gateways to Information: Protecting Children and Strengthening Families

2003 Child Abuse and Neglect State Statute Series Statutes-at-a-Glance Central Registry/Reporting Records Expungement

What You Need to Know

Approximately¹ 41 States, the District of Columbia, and the U.S. Territories of American Samoa, Guam and Puerto Rico have statutes authorizing the establishment of a statewide central registry. A central registry is a centralized database or listing of child maltreatment records. Several States only mandate by law that agencies, usually public social service agencies, collect and maintain child abuse and neglect records.

Approximately 37 States, the District of Columbia, American Samoa, and Guam have statutes providing for the expungement of department and central registry records. The term expungement refers to the procedures used by States to maintain and update their central registries and recordkeeping by removing old or inaccurate records.

Classification of Reports

Child abuse records are classified in a variety of ways. Terms such as "unfounded," "not indicated," "unconfirmed," and "unsubstantiated" are used to describe situations in which there has been no determination of abuse or neglect. Terms such as "founded," "indicated," "suspected," and "substantiated" are used to describe a finding of abuse or neglect.

Unfounded Reports

The time specified for the expungement of unfounded or undetermined reports ranges from immediately upon determination to 10 years. A few States do not permit unfounded reports to be placed on the registry at all. Many States have provisions allowing the subject of a report to challenge the findings. If the challenge is successful, the subject's name is removed from the registry.

Founded or Indicated Reports

The time specified for the expungement of founded or indicated reports ranges from 5 to 10 years. States often use the birthday of the victim (usually when the child reaches age of majority) as a point to expunge records from the registry. In addition, some States allow records to be expunged upon good cause shown and upon notice to the subjects of the report.



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

The Statutes-at-a-Glance listings summarize specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures. Readers interested in interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

¹ The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.

Alabama

Statute: § 26-14-8(e)

Classification:
Not indicated

Expunged/Sealed:
Expunged 5 years from completion of investigation

Conditions/Comments:
No subsequent reports during 5-year period

Alaska

Statute: Not addressed in statutes reviewed

American Samoa

Statute: § 45.2025; § 45.2026

Classification:
No credible evidence

Expunged/Sealed:
Expunged immediately

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
All other cases

Expunged/Sealed:
Sealed no later than 10 years after the child turns 18

Conditions/Comments:
Not addressed in statutes reviewed

Arizona

Statute: § 8-804(C)-(F)

Classification:
Substantiated

Expunged/Sealed:
Expunged:

- When child turns 18 (on reports received before 9/1/99)
- 25 years after the date of the report (on reports received after 9/1/99)

Conditions/Comments:
No subsequent reports

Arkansas

Statute: § 12-12-505(b)

Classification:
Unsubstantiated

Expunged/Sealed:
Not included in the registry

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
True

Expunged/Sealed:
Expunged after 1 year

Conditions/Comments:

- No subsequent reports
- On those types of maltreatment specified in department policy

Classification:
True

Expunged/Sealed:
Offender may request removal from registry

Conditions/Comments:
No subsequent reports of that type for 5 years

California

Statute: Penal Code § 11170(a)(3), (f)

Classification:
Unsubstantiated or inconclusive

Expunged/Sealed:
Expunged 10 years after most recent report

Conditions/Comments:

- If no subsequent report received in 10-year period
- Victim over age 18 may request removal of name from the registry

Colorado

Statute: § 19-3-313.5(3)(f)

Classification:
Unsubstantiated or false

Expunged/Sealed:
Expunged promptly

Conditions/Comments:

- State Board shall promulgate rules
- Department may retain information for risk and safety assessments

NOTE: In 2003, Colorado repealed § 19-3-313 which had provided for a State central registry.

Connecticut

Statute: Not addressed in statutes reviewed

Delaware

Statute: Tit. 16, § 923

Classification:
Substantiated; Level II

Expunged/Sealed:
Removed after 3 years

Conditions/Comments:
If no further substantiations of abuse

Classification:
Substantiated; Level III

Expunged/Sealed:
Removed after 7 years

Conditions/Comments:
If no further substantiations of abuse

Classification:
Substantiated; Level IV

Expunged/Sealed:
Ineligible for automatic removal from the registry

Conditions/Comments:
May be removed by order of the family court

District of Columbia

Statute: § 4-1302.07

Classification:
Unfounded

Expunged/Sealed:
Expunged immediately

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Inconclusive

Expunged/Sealed:
Expunged on 18th birthday of the child or 5 years after termination of social rehabilitation services, whichever occurs first

Conditions/Comments:
No reasonable suspicion or evidence of abuse or neglect of younger sibling

Classification:
Substantiated

Expunged/Sealed:
Not expunged

Conditions/Comments:
Not addressed in statutes reviewed

Florida

Statute: § 39.202(6)

Classification:
Records of all cases

Expunged/Sealed:
Expunged 7 years after last entry; or when child is 18 years of age, whichever date is first reached

Conditions/Comments:
Not addressed in statutes reviewed

Georgia

Statute: § 49-5-184(b)-(d)

Classification:
Unconfirmed

Expunged/Sealed:
Expunged 2 years after classification

Conditions/Comments:
Not addressed in statutes reviewed

Guam

Statute: Tit. 19, § 13208(f)

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged within 1 year

Conditions/Comments:
If an investigation cannot determine if a report is indicated or substantiated

Hawaii

Statute: § 350-2(d)

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged promptly where:

- Found to be unsubstantiated
- Dismissed on the merits after adjudicatory hearing

Conditions/Comments:

- A report is unsubstantiated only where allegations are frivolous or made in bad faith
- Records regarding child may be retained

Idaho

Statute: Not addressed in statutes reviewed

Illinois

Statute: 325 ILCS § 5/7.14-7.16

Classification:
Unfounded

Expunged/Sealed:
Expunged promptly

Conditions/Comments:
Unless another report is received involving same child, sibling, children in care of subject, or same alleged offender

Classification:
Indicated

Expunged/Sealed:

- Expunged no later than 5 years after determination; reports of sexual abuse, serious physical injury, or death of a child may be retained longer than 5 years
- Expunged or amended upon good cause shown

Conditions/Comments:
Not addressed in statutes reviewed

Indiana

Statute: § 31-33-19-4; § 31-33-19-8; § 31-33-19-9

Classification:
Substantiated

Expunged/Sealed:
Expunged not later than 10 working days after any of the following occur:

- Court determination that abuse or neglect has not occurred
- Administrative officer finds that report is unsubstantiated
- Criminal court dismisses charges or enters a not guilty verdict
- The period of informal adjustment ceases
- Not later than 6 months after report of person's failure to participate in a services agreement
- Not later than 20 years after court determines that a child is in need of services

If the above does not apply, expunged not later than when child victim reaches age 24.

Conditions/Comments:
If a substantiated report is a result of an administrative or clerical error, then the report shall be immediately expunged

Iowa

Statute: § 235A.18; § 235A.19(2a), (3)

Classification:
Founded

Expunged/Sealed:

Sealed 10 years after receipt of report. If a subsequent report is received involving any one of the parties within this 10-year period, the information is sealed 10 years after the subsequent report.

Conditions/Comments:

Unless good cause shown to keep open

Classification:
Founded

Expunged/Sealed:

Expunged 8 years after the information is sealed. However, if data involve child abuse, data not expunged for 30 years.

Conditions/Comments:

Not addressed in statutes reviewed

Kansas

Statute: Not addressed in statutes reviewed

Kentucky

Statute: Not addressed in statutes reviewed

Louisiana

Statute: Children's Code art. § 616(A)(2); § 616.1(A)

Classification:
Unjustified, false

Expunged/Sealed:

Expunged 3 years after audit

Conditions/Comments:

3-year period is required for audit purposes. During this period all identifying information removed.

Classification:
Unjustified, false

Expunged/Sealed:

Sealed during 3 years for audit purposes

Conditions/Comments:

Unless litigation is pending

Maine

Statute: Tit. 22, § 4008(5)

Classification:
Unsubstantiated

Expunged/Sealed:

Expunged after 18 months. Unsubstantiated cases may be retained for 5 years for audit purposes (Medicaid).

Conditions/Comments:

Unless a new referral is received within the 18 months

Maryland

Statute: § 5-706.1(a); § 5-707(b); § 5-719 (e)

Classification:
Unsubstantiated

Expunged/Sealed:

Expunged within 5 years after referral

Conditions/Comments:

If no further reports are received during the 5 years

Classification:
Report ruled out

Expunged/Sealed:

Expunged within 120 days after referral

Conditions/Comments:

If no further reports are received during the 120 days

Classification:
Identified as responsible

Expunged/Sealed:

Expunged 7 years after entry on registry

Conditions/Comments:

If no report is received concerning subject during the 7-year period

Massachusetts

Statute: Ch. 119, § 51F

Classification:
Not substantiated

Expunged/Sealed:
Expunged after 1 year

Conditions/Comments:
If report is determined to be frivolous, it shall be declared 'allegation invalid,' and not placed in the registry

Classification:
Substantiated

Expunged/Sealed:
Expunged when a child reaches age 18 or 1 year after end of services, whichever occurs last

Conditions/Comments:
Not addressed in statutes reviewed

Michigan

Statute: § 722.627(4)-(7)

Classification:
No evidence

Expunged/Sealed:
Expunged

Conditions/Comments:
Report not expunged unless it is in the child's best interest

Classification:
Evidence exists

Expunged/Sealed:
Expunged when alleged perpetrator dies

Conditions/Comments:
Not addressed in statutes reviewed

Minnesota

Statute: § 626.556, Subd. 11c

Classification:
No determination

Expunged/Sealed:
Maintained for 4 years

Conditions/Comments:
Record used only for future risk and safety assessments

Classification:
Indicated

Expunged/Sealed:
Maintained for at least 10 years

Conditions/Comments:
Not addressed in statutes reviewed

Mississippi

Statute: § 43-21-257(3)

Classification:
Substantiated perpetrators

Expunged/Sealed:
Removal only through administrative hearing as provided by the department

Conditions/Comments:
Not addressed in statutes reviewed

Missouri

Statute: § 210.152

Classification:
Insufficient evidence

Expunged/Sealed:
Expunged:

- After 10 years if report is from a mandated reporter
- After 2 years for other reports
- After 10 years if unable to locate the child

Conditions/Comments:
Not addressed in statutes reviewed

Montana

Statute: § 41-3-202 (5)(b)

Classification:
Unfounded

Expunged/Sealed:
Expunged within 30 days of the determination

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged within 30 days after the end of 3 years of the determination

Conditions/Comments:
Unless there has been a previous or subsequent substantiated report

Nebraska

Statute: § 28-720; § 28-721

Classification:
Unfounded

Expunged/Sealed:
Expunged promptly

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Any record

Expunged/Sealed:
Expunged upon good cause shown

Conditions/Comments:
Not addressed in statutes reviewed

Nevada

Statute: § 431.120(2)

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged at the conclusion of the investigation within 60 days after report filed

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Substantiated

Expunged/Sealed:
Sealed no later than 10 years after child is 18

Conditions/Comments:
Not addressed in statutes reviewed

New Hampshire

Statute: § 169-C:35; § 19-C:35-a

Classification:
Screened-out

Expunged/Sealed:
Retained 1 year

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Unfounded at-risk

Expunged/Sealed:
Retained 3 years

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Founded

Expunged/Sealed:
Retained 7 years

Conditions/Comments:
Does not apply to a case that remains open or to adoption records

New Jersey

Statute: § 9:6-8.40a

Classification:
Unfounded

Expunged/Sealed:
Expunged upon determination

Conditions/Comments:
'Unfounded' means no concern for the safety or welfare of the child

New Mexico

Statute: § 32A-3B-21

Classification:
Records

Expunged/Sealed:

- Expunged 2 years after final release from legal custody and supervision
- Expunged if 2 years have elapsed since entry of any other judgment not involving legal custody or supervision

Conditions/Comments:
The individual has not, within the 2 years immediately prior to filing the motion, been convicted of a felony or of a misdemeanor involving moral turpitude or found delinquent by a court, and no proceeding is pending

New York

Statute: Soc. Serv. § 422(5), (6)

Classification:
No credible evidence/unfounded

Expunged/Sealed:
Sealed upon investigation; sealed unfounded reports expunged 10 years after receipt

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Some credible evidence

Expunged/Sealed:
Expunged:

- 10 years after youngest child named in report is 18
- Upon successful challenge by subject

Conditions/Comments:
Not addressed in statutes reviewed

Classification:

Any record

Expunged/Sealed:

Expunged upon good cause shown

Conditions/Comments:Not addressed in statutes reviewed

North Carolina**Statute:** Not addressed in statutes reviewed

North Dakota**Statute:** Not addressed in statutes reviewed

Northern Mariana Islands**Statute:** Not addressed in statutes reviewed

Ohio**Statute:** Not addressed in statutes reviewed

Oklahoma**Statute:** Not addressed in statutes reviewed

Oregon**Statute:** Not addressed in statutes reviewed

Pennsylvania

Statute: 23 PCSA § 6337; § 6338(b); § 6341

Classification:

Unfounded, not indicated

Expunged/Sealed:

Expunged within 120 days 1 year after report is received by the Department

Conditions/Comments:

Not addressed in statutes reviewed

Classification:

Founded, indicated

Expunged/Sealed:

Expunged when the child turns 23

Conditions/Comments:

Not addressed in statutes reviewed

Classification:

Any record

Expunged/Sealed:

Expunged upon good cause shown

Conditions/Comments:

Not addressed in statutes reviewed

Puerto Rico

Statute: Not addressed in statutes reviewed

Rhode Island

Statute: § 40-11-3(a); § 40-11-13.1

Classification:

Unfounded

Expunged/Sealed:

Expunged 3 years after final determination

Conditions/Comments:

Not addressed in statutes reviewed

South Carolina

Statute: § 20-7-680(D), (E)

Classification:
Unfounded

Expunged/Sealed:
Expunged immediately upon determination

Conditions/Comments:
Includes all information unnecessary for auditing purposes

Classification:
Indicated

Expunged/Sealed:
Expunged 7 years after services are terminated

Conditions/Comments:
Not addressed in statutes reviewed

South Dakota

Statute: § 26-8A-11

Classification:
Substantiated

Expunged/Sealed:
Expunged upon successful challenge by subject

Conditions/Comments:

- Request for expunction must be made within 30 days of date that the report is determined to be substantiated
- Subject has no right to hearing after court finding of child abuse or neglect

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged after no longer than 3 years

Conditions/Comments:
If no further report within that 3-year period

Tennessee

Statute: Not addressed in statutes reviewed

Texas

Statute: Not addressed in statutes reviewed

Utah

Statute: § 62A-4a-116.4

Classification:
Without merit

Expunged/Sealed:
Expunged within 1 year

Conditions/Comments:

- If no subsequent report
- Unless the executive director determines there is good cause for keeping a report

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged within 5 years

Conditions/Comments:

- If no subsequent report
- Unless the executive director determines there is good cause for keeping a report

Vermont

Statute: Tit. 33, § 4916(a), (b), (g), (h)

Classification:
Unsubstantiated

Expunged/Sealed:
Expunged if no court proceeding initiated within 1 year

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Substantiated

Expunged/Sealed:
Expunged:

- When child reaches age of majority (if record relates to single child)
- When youngest sibling reaches age of majority (if record relates to family)

Conditions/Comments:
Not addressed in statutes reviewed

Virgin Islands

Statute: Not addressed in statutes reviewed

Virginia

Statute: § 63.2-1514(B)-(D)

Classification:

Unfounded investigations

Expunged/Sealed:

Expunged after 1 year from department records which are kept separate from the central registry

Conditions/Comments:

- If no subsequent founded or unfounded reports are received during the 1 year
- Report shall be purged immediately when determined it was made maliciously or in bad faith

Classification:

Family assessments

Expunged/Sealed:

Expunged after 3 years

Conditions/Comments:

If no subsequent complaints

Washington

Statute: § 26.44.031

Classification:

Unfounded

Expunged/Sealed:

Expunged 6 years after receipt of the report

Conditions/Comments:

Unless an additional report is received during that time

West Virginia

Statute: § 49-6A-5

Classification:

All reports

Expunged/Sealed:

Expunged 30 years after their preparation

Conditions/Comments:

Unless there are pending proceedings

Wisconsin

Statute: not addressed in statutes reviewed

Wyoming

Statute: § 14-3-213(c), (e), (f)

Classification:
Unfounded

Expunged/Sealed:
Expunged upon completion of the investigation

Conditions/Comments:
Not addressed in statutes reviewed

Classification:
Any record

Expunged/Sealed:
Expunged upon good cause shown

Conditions/Comments:
Not addressed in statutes reviewed